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INTERNATIONAL PATENT LAW

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March 1, 2002

VIA TELEFAX: 703-305-7401

To: Examiner Kubelik  
Group 1638  
United States Patent and Trademark Office

Dear Examiner Kubelik:

Re: Pascual PEREZ et al.  
U.S. Patent Appln. 09/380,086  
Filed November 29, 1999

Thank you for the upcoming interview of Monday, March 4, 2002. The applicants would like to discuss the following issues:

1) The rejection of claims 13-16 and 18 as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors at the time the application was filed, had possession of the claimed invention; and

2) Items 11-13 of the outstanding Official Action contending in claims 13-16 and 18 are rendered obvious by the cited prior art.

As to the new matter rejection, the applicants would like to emphasize that the specification of the present application mainly refers to artificial male sterility and transgenes as being genetically linked as a preferred embodiment (see page 3, lines 9-14). This preferred embodiment implies that other ways to carry out the invention are possible, such as integrating the transgene in a plant already made sterile.

As for the obviousness rejections, applicants would like to emphasize that the cited prior art fails to disclose the present invention which provides an efficient system to prevent transgene escape, and this system can further be used in the

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lines 32-35

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context of fruit or seed production. Specifically, applicants would like to discuss Fabijanski et al. and Worrall et al.

Applicants respectfully believe that an interview will help advance prosecution of the present application. In addition, the interview will help applicants determine what divisional applications may be necessary.

Respectfully submitted,

YOUNG &amp; THOMPSON

FICIAL

By

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